

(Purpose: To restore the provisions relating to secondary workers)

On page 9, beginning on line 24, strike all through page 10, line 9, and insert the following:

“(11) DOWNSTREAM PRODUCER.—The term ‘downstream producer’ means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.”

On page 12, beginning on line 19, strike all through line 24, and insert the following:

“(24) SUPPLIER.—The term ‘supplier’ means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term ‘supplier’ also includes a firm that provides services under contract to a firm or subdivision covered by such certification.”

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3440 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator NELSON of Florida, I call up amendment No. 3440.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Florida, proposes an amendment numbered 3440 to amendment No. 3401.

The amendment is as follows:

(Purpose: To limit tariff reduction authority on certain products)

At the end of section 2103(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3445 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I call up amendment No. 3445, offered by Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAYH, proposes amendment No. 3445 to amendment No. 3401.

The amendment is as follows:

(Purpose: To require the ITC to give notice of section 202 investigations to the Secretary of Labor, and for other purposes)

At the end of title VII, insert the following:

SEC. 702. NOTIFICATION BY ITC.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974, as added by section 111, is amended to read as follows:

“SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

“(b) NOTIFICATION OF AFFIRMATIVE FINDING.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately notify the Secretary of that finding.”

(b) INDUSTRY-WIDE CERTIFICATION.—Section 231(c) of the Trade Act of 1974, as added by section 111, is amended by adding at the end the following new paragraph:

“(5) INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.”

(c) COORDINATION WITH OTHER TRADE PROVISIONS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking “, including the provision of trade adjustment assistance under chapter 2”.

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking “, including the provision of trade adjustment assistance under chapter 2”.

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

“(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

“(i) the President shall take all appropriate and feasible action within his power; and

“(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, workers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f).”

(3) SPECIAL LOOK-BACK RULE.—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect to the domestic industry in which such worker, farmer, or fisherman was employed.

(d) NOTIFICATION FOR FARMERS AND FISHERMEN.—

(1) FARMERS.—Section 294 of the Trade Act of 1974, as added by section 401, is amended to read as follows:

“SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.

“(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing an agricultural commodity, the Commission shall immediately notify the Secretary of that finding.”

(2) FISHERMEN.—Section 299C of the Trade Act of 1974, as added by section 501, is amended to read as follows:

“SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

“(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.”

The PRESIDING OFFICER. The amendment is set aside.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the record remain open today until 2:00 p.m. for the introduction of legislation and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHAN SECURITY FORCE

Mr. BIDEN. Mr. President, I rise to speak on a matter at the very heart of our war on terror: the deteriorating security conditions in Afghanistan. If current trends continue, we may soon find that our hard-won success on the battlefield has melted away with the winter snow.

In the eastern part of the country, brutal warlords are openly defying the authority of the central government and slaughtering innocent civilians.

“Kill them all: men, women, children, even the chickens.” Those were the orders of warlord Bacha Khan when